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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,167	01/18/2002	Andrew Lilburn	P21745	7601

7055 7590 06/27/2003

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RESTON, VA 20191

EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

6

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,167

Applicant(s)

LILBURN, ANDREW

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 34-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 calls for "measuring water flowing into the wet end section", and "measuring water flowing out of the wet end section", but does not state what is measured. Is this the water conductivity? Claim 6 the term "Uhle" is indefinite. It is not clear what this term represents. Claim 8 is indefinite as a "slurry" is not "water flow" but "slurry flow", e.g. it contains pulp fibers.

Claims 1-6, 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462.

WO 00/08462 teaches (see abstract) measuring the water flowing into the wet end section (17); measuring water flowing out of the wet end section (19); detecting conductivity of the wet web entering the wet end section (21, 22); determining conductivity of water flowing into the wet end section through water sprayers (18); determining the conductivity of the water flowing out of the wet end section in press pans (19), and determining a material balance from the measured quantities v(last line of the abstract). Obviously the press of WO 00/08462 is in the wet end of the paper machine as it is stated that the "wet fibre web is pressed between cylindrical rolls. Since the fiber web is still wet the press section is obviously still in the wet end section of

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the paper machine, e.g. it has not passed through the dryer section yet. Note the ionstant system is also in the press section, see claim 3.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of BOSEN (3,655,980).

BOSEN teaches using nucleonic measurement to determine the water content of a web. It would have been obvious to use the nucleonic measurements of BOSEN (3,655,980) as a way to determine the water content of the web of WO 00/08462 as WO 00/08462 teaches measuring the water content of the web.

Claims 7-17, 19-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of LEWIS (5,093,795) with or without JUSTUS (3,185,617) or ELY (3,185,617).

The use of plural presses is well known in the art and taught by LEWIS, 23), (24), (28) or if not aught by LEWIS the use of plural presses is taught by JUSTUS (3,185,617) or ELY (3,185,617). It would have been obvious to better control the drying process by performing the water balance taught by WO 00/08462 in each of the press sections of LEWIS or JUSTUS (3,185,617) or ELY (3,185,617). LEWIS further teaches that the headbox is part of the wet end section and contains all of the fibrous material used in the web. It would have been obvious that the conductivity of the wet web could be determined from the slurry prior to web formation rather than after web formation as it is the same material in different form. LEWIS also teaches the importance of measuring and controlling the cross-direction profile of the water content. It would have been obvious to measure the water in a cross direction to control the web uniformly across its width as taught by LEWIS.

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The restriction requirement of Paper No. 5 is repeated and made Final. Additional subclasses would have to be searched, e.g. 162/263, if the apparatus claims were examined.

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

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MSA
6/16/03



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731